NOVEMBER TERM, 1851. REPORTED FOR THE STATE SENTINEL BY L. BOLLMAN.

Michigan Central Railroad Company vs. Northern Indiana Railroad Company. On Appeal.

The President Judge of the Laporte Circuit Court, at his chambers, in vacation, granted an interlocutory decree, on the 28th day of August, 1851. On the 30th of August an appeal was taken to the Supreme Court. Admr. A motion was made to dismiss this appeal, on the ground that the statute does not authorize such an ap-

Judge SMITH held, 1. That the order in this case is an interlocutory deoree of the circuit court, although it was made by a single judge, in vacation, for the bill paying such order must be addressed to the court; it becomes a part of its record; is suffered by its authority; that such orders were granted in the English courts, both in equity and common law, by a single judge, in vacation, and seem cranscript. R. S. p. 634, sect. 54. to have been acquiesced in, and to have the same effect as if made by the court in term. Eden on Inj., p. 337; 4 Burr, 2570; 1 Taunt., 44; 4 Burr, 2570; 5 B. and Court. Ald., 217; 7 Eng. C. L. R., 73.

2. That although the statute requires the appeal to

have always construed such a phrase to mean such rea-3. That the statute in authorizing appeals from any order or decree, embraced in its provisions those made in vacation, as well as in term, for the remedy granted Byrket by the appeal being, that no injury might be sustained by an improvident or an oppressive act of an inferior court, it would be unreasonable to suppose that the when acting separately in vacation.

'judges," are frequently used in our statutes as synony-

5. That the insufficiency of the appeal bond, and its not being filed in time, are matters on which the appellees may be heard on a motion to dismiss the appeal. as the appeal was granted without notice to them.

Motion overruled. Harper vs. Delp. Appeal from the Parke Circuit

Harper brought an action for slander against Delp. The declaration contained three counts, each of which The plaintiff lived in the neighborhood of the defend- testimony of the complainant.

Sarah Clove to the house of the defendant,) he (meaning said Erial) saw a young man ravishing a cow. He (meaning said Erial) went by Scott's shop, and left Mar-un Harper's farm on the right, (meaning thereby that said Erial, in going from said Sarah's, as aforesaid, to the defendant's house, had gone by said blacksmith shop o' said Scott, and had left the residence of said Martin Harper, the plaintiff's father, on his said Erial's, right;) the hearts of millions of their countrymen and friends in and buggery with a cow had been committed between patriots is as distasteful as it was unexpected. Upon said blacksmith shop and the residence of said John this subject there appears to be but one feeling through-Summers;) that this was a young married man, and his out the country, of deep indignant denunciation of the wile had no children, and did not like for any; and that it timid and cold-blooded policy of the present general adwas so early in the morning that a person could not have got far from home." Thereby meaning, &c., and that the persons to whom the words were spoken and published did understand, &c.

Already our people are contrasting this humiliating state of things with the avowed policy of the Democratic party lished did understand, &c.

one contained sets of words as follows:

ing the plaintiff) ravishing a cow. 3rd. "Rial (meaning, &c.) saw him (meaning the exiles:

plaintiff meaning) was caught by my son Rial in the act of ravishing a cow."

Indee Blackford held,

William Harper (the ers to the account of the proceedings in the Senate of the United States, on January 28, '52. We ask in particular, every Irishman and friend to Ireland, to read care-Judge BLACKFORD held,

Comyn's Rep. 267; that the colloquium in this case is lately offered him, at Washington City, by the Irish

compelling to submit to carnal intercourse," &c.

3rd. That the first class or sets of words in the third count are not actionable in themselves, for the usual signification of the word "foul" is unclean, filthy, dirty, and the phrase "to fall foul" is a common one, meaning " to run against;" that if the word had been used, on | would not comply with, and had asked the interference

That the words " a young man " and " a man " do not at once, and without the slightest hesitation, gave its point to the plaintiff more than to any other. But wheth- consent; but it insists upon its closing all unions, and

that for eighteen months previously, and from thence breadth of from twenty to fifty miles. The memorial 5 boxes Pepper Sauce; hitherto, the defendant was an inhabitant and resident arges the Atlantic and Pacific Railroads as one of the of the territory of Wisconsin. Judge BLACKFORD held,

1. That the declaration of the defendant, when he went away, "that he was going to some of the Western Territories and might or might not return," was admissable evidence, as it was a part of the res gesta.

2. That the post marks on letters, of the gent

of which there was no controversy, were admissable without proof.

Judgment affirmed.

This was an action in assumpsit, and was continued at the first term, upon the motion and affidavit of the defendant. At the next succeeding term, the defendant the State Journal, signed by near two hundred of the again moved a continuance of the cause upon affidavit. most reputable Irish Catholic Democratic voters of the ontinuance, which refusal is the error assigned.

Judge BLACKFORD held, he second one does not show the facts expected to be roved by the absent witness. Judgment affirmed.

James Timmons and others es. Wingate Timmons

The administrator made application for an order to leisure now to examine, nor is it material to the issue, sell certain real estate of the intestate. The Court That a man, whose mind is tasked to its utmost stretch Cyre peal. The statute declares that appeals to the Supreme granted the order. The error assigned is that a final in making set speeches, and responding to all sorts of addeeree was taken against one of the defendants, an intory order or decree of any circuit or probate court in fant, without the appointment of a guardian ad litem for this State, &c.; and requires that the appeal shall be ta-ken at the time when such order or decree is made. fendant was of full ago. The plea was demurred to.
Judge Brackford held,

for appeared upon the transcript, it is correctly taken, welcomes him with speeches, or who unites with a Hun-

In this case it was held that as the testimony given on the trial was not very strong, and the newly distrivbe taken at the time the injunction is granted, yet courts ered evidence which is set out in the affidavit, upon an application for a new trial, was such as to show a new sonable time as may be necessary to do the act required. trial ought to be granted, the Court below erred in re-

Judgment reversed. Byrket and others es. The State on relation of Si vers. Error to the Henry Circuit Court.

This was an action founded on the official bond of a justice. Is a former suit between the same parties the

oppression from a single judge, or the associate judges, by the Justice, and not paid over, but in taking the judgment two of the sums, by mistake, were omitted, 4. That the words "the court" and "the judge," or for which this suit is now brought. This judgment was pleaded against that suit. Judge BLACKFORD held,

That under the circumstances, this suit could not be lefeated by the former recovery, 8 Blackf. 440; 5 T. R. 607; 2 Johns. 227; 3 B. & Cres. 235. Symons us. Smith. Appeal from the Grant Circuit

The only question in this case was whether a part of the consideration of a certain note, was for the part payment of a certain tradt of land, for the conveyance of which a decree was asked. It was held that the eviwas specially demurred to, and the demurrers sustained. of which a decree was asked. It was held that the evidence set out did not sufficiently prove it against the Democratic party, as, if there be any fault, we only feblowwom

The answer of Mr. FILLMORE to the appeals made to and that between the shop and John Summer's the act the United States, to whom his refusal to interpose the Lok place, (meaning thereby that the crime of bestiality good offices of the Government for the relief of the Irish The second count was similar to the first, and the third and its leaders upon this point, and their conclusions are anything but flattering to the party in power. The 1st. "He (meaning the plaintiff) was seen a foul of a public press is calling public attention to the matter, and in the St. Louis Union we find the subjoined notice 2nd. "Rial (meaning, &c.) saw a young man (mean- of the popular and conclusive speech of General Cass, in opposition to the FILLMORE policy towards the Irish

plaintiff) ravishing a cow." "William Harper (the "We desire to call the especial attention of our read-Ist. That where there is any ambiguity in the words laid, in regard to the person slandered, there must be an introductory averment showing that the plaintiff was the person aimed at. Butstrode's Rep. 225; Cro. Charles, 420; of !resident Fillmore to the prayer of the memorials sufficient, for it contains an averment that the words committees from Baltimore, Boston and other cities. 2nd. That the words were spoken of him.

2nd. That the word "ravishing" ordinarily means the having sexual or carnal knowledge, that it is defined to in our estimate of their penetration."—Detroit Free mean "to violate by force," "to debauch," to defile," Press. were spoken of the plaintiff, and such statement of facts If such things do not satisfy Irishmen that in the demo

Louis Napoleon and Switzerland.

this occasion, in a sense to impute the crime of bestiality, and was so understood by the hearers, there should have been a special averment to that effect. 7, Bingh.

119: 11 Munson and Welsby, 286; 16 lb. 159, 7 Blackf.

4th. That the second set of words are objectionable, because they do not show with sufficient certainty that the plaintiff was the person referred to by the defendant.

The foreign papers state that the Swiss Government of the French refugees, who are the plaintiff was the person referred to by the defendant.

The foreign papers state that the Swiss Government of the French refugees, who are the plaintiff was the person referred to by the defendant.

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The first of words within "in the tire and words, and the special proposed in Heaston rs. Colgrove. Error to the Randolph Circuit Court.

By an article of agreement Heaston engaged to furnish an action of double carding machine at, &c., and Colgrove agreed to furnish a similar one thea in his possession, both of which were to be placed in a certain building and run upon certain terms. Neither performed his agreement. Colgrove sued Heaston and obtained a judgement.

Interest the Atlantic, and of the seas and rivers connected with it. These extrodinary developments naturally invest with agreement. Colgrove sued Heaston and obtained a judgement must be reversed, because Colgrove had failed to comply on his own part with the agreement sued on.

That this judgement must be reversed, because to Congress. The memorialists are all in favor of having an active of such defence, to show what damage he had sustained by Colgrove's breach of the agreement. Epperly ps. Baily, at this term.

That instructions, although erroneous, if not excepted to when gives, cannot be objected to in this cepted to when gives, cannot be objected to in this court, because the objection to them is waived.

Judgement reversed.

Burgess vs. Clark. Appeal from the Allen Circuit Court.

This suit was commenced by a writ of domestic attachment, in the Allen Circuit Court. The defence was the for eighteen recently and from the Allen Circuit that for eighteen recently and from the authors of art, they estimate at three hundred millions of gold. The gold annually, hitherto obtained is but the washing of the hills, but when money operations are scientifically conducted, and quartz-mills are used extensively to pelverize the rock and to extract the gold, the yield will be vastly increased, as the primitive rock quartz which contains the auriferous deposits extends five or six hundred miles along the Sierra Nevada, with a the for eighteen money operations. means of adding to the population and growth of the Pacific region.—Phil. Ledger.

The Cincinnati payers of Saturday say that Dr. Myers of their city has a sed a contract with Kossuth for one thousand saddles, bridles, holsters and other aceness contrements "for the Hungarian war," at \$9.85 each.

A colony of planters recently organised, with from five to eight hendred slaves, has memorialised the Cali-De Puy se. Everett. Error to the Wabsalt Circuit fornia Legislature, asking leave to settle in that State with their slaves.

The Catholies and the Democracy.

A series of resolutions appeared a few days since in This affidavit referred to the material facts stated in the city, denunciatory of Kossuth and his mission, and pledgfirst affidavit without setting them out in the last affidavit, and the first one was not made a part of the retion to Hungarian Independence—for in the memorable struggle for liberty the Catholic stood side by side with That the first affidavit not being a part of the record, the Protestant and Socialist, while their Priests invoked upon the cause the blessing of Heaven-but is occasioned by some rather imprudent and hasty remarks of the great Magyar, which have been construed into an at-tack upon the Catholic Religion. Whether this construction of his remarks is correct or not, we have not feelings of others, is not a matter of surprise; nor, on the Capsicum, A. A. dear to their hearts.

But, admitting all this to be true of Kossuth, it does That this demurrer must be sustained, for if the er- not follow that any man who contributes to his aid, who garian association, necessarily approves or endorses every word or act of the man. For ourselves, we paid him the respect due a brave man who had struggled for his country's independence, and was now in exile in the land of Demurrer sustained.

Forney vs. Goodhue. Error to the Wabash Circuit

Court.

the stranger, but there are many of his sentiments to which we do not and cannot subscribe; and if he has at any time made an unjustifiable assault upon the Catholies as a body, or upon their religious creed, it is as much our duty to object thereto as for the Catholics them-

His eulogies upon England, as a friend of freedom, we confess grated harshly upon our ears, for we remembered how a few years since she stood coldly by and witnessed the dismemberment of Poland, and her cruel and

heartless oppression of the sons of "The first flow'r of the earth, and the first gem of the sea;" and yet it was natural for him to be grateful for the sym-Legislature believed there was no danger of error or relator recovered a judgment for various sums collected pathy he had received at the hands of Englishmen, and to look to England as the last hope of his country in

> We say upon these and other points we differ from the position of the illustrious Hungarian. But we overlooked these objections, and when he appeared in our midst only saw in him the patriot and the man. We welcomed him as we would have welcomed O'Connell, O'Brien, or Mitchell, or Meagher, and proffered him such an asylum as we would have extended to Emmett, if he had been spared an ignominious and cruel death. These welspared an ignominious and cruei death. These comes were not confined to any party, sect, or creed. All have united in manifestations of sympathy—all have contributed to the Hungarian cause. And it is on this and payment of taxes in the castern part of Illinois. He refers to the members of Congress from Illinois for his capa

Decree affirmed.

Decree affirmed.

The Lawrenceburgh R. Road Co. es. Smith. Error to the leater, by way of the shop, to the house of the latter, by way of the shop, to the house of Delpy would pass by the plaintiff.

The first count detailed these facts, and contained averagenes to show that the slanderous words where spoken of and concering the plaintiff, at, &c., to &c.

That his son Rial (meaning Erral Delp, the defendant are stated as follows:

"That his son Rial (meaning Erral Delp, the defendant are stated as follows:

"That his son Rial (meaning Erral Delp, the defendant, and the way for the house of the shop on the way from the house of the shop on the way from the house of the shop to the shop to the shop to the shop, to the house of the shop, to the house of the shop to the shop, to the house of the slander our show that the slanderous words where spoken of and concering the plaintiff, at, &c., to &c.

The first count detailed these facts, and contained who is appended filistoric transfer of the destruction of the numnery at Charleston? Have they forgotten the destruction of the numnery at Charleston? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the destruction of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the adopted citizen? Have they forgotten the first of the shop that the language of that act was not stiff the first of the first of the shop that the language of the act was not stiff the first of the first of the shop the first of th

remember the principles of Liberty which brought them to this land of freedom, land that if they have any grievances to redress, any rights to maintain, they are to be redressed and maintained in the Democratic party, and not out of it. The Catholic Irishman is as naturally a Democrat when he first plants his foot on American soil, as the Orangeman is a Whig, and they should pause and ocrat when he first plants his foot on American soil, as the Orangeman is a Whig, and they should pause and consider well before they should forsake, for slight causes, their well tried friends .- Indiana Statesman.

Governors of the States and Tellines. All elected by the people, except in South Carolina where the Legislature choose the Governor. [Democrats in Roman; Whigs in Italic.]

ď	States. Governors. S.	alaries
e	Alabama, Henry W. Collier	\$2,500
	Arkansas, John S. Roane	1,800
	California, John Bigler	10,000
8	Connecticut, Thomas H. Seymour	1,100
ă	Delaware, William Boss	1,333
8	Florida, Thomas Brown	1,500
a	Georgia, Howell Cobb	3,000
1	Illinois, Augustus C. French	1,500
1	Indiana, Joseph A. Wright	1,300
9	Iowa, Stephen Hempstead	1,000
e	Kentucky, Lazarus W. Powell	2,500
	Lonisiana, Joseph Walker	6,000
	Maine, John Hubbard	1,600
i	Maryland, Enoch L. Lowe	3,600
궠	Massachusetts, George S. Boutwell	2,500
1	Michigan, John S. Barry	2,500
5	Mississippi, Henry S. Foote	3,000
1	Missouri, Austin A. King	2,000
ij	New Hampshire, Samuel Dinsmoor	1,000
	New Jersey, George F. Fort	1,000
	New York, Washington Hunt	4,000
u D	North Carolina, David S. Reid	2,000
e	Ohio, Reuben Woed	1,400
-	Pennsylvania, William Bigler	3,000
o	Rhode Island, Phillip Allen	400
8	South Carolina, J. H. Means	3,500
8	Tennessee, William B. Campbell	2,000
e	Texas, P. Hansborogh Bell	2,000
-	Vermont, Charles K. Williams	750
r	Virginia, Joseph Johnson	3,333
e	Wisconsin. Leonard J. Farwell	1,250
Į,	Democrats 26, Whigs 5.	-
	Territories.	
Į,	Oregon, John P. Gaines	3,000
9	Minnesota, Alex. Ramsey	2,500
8	New Mexico, James S. Calhoun	2,500
40	The second of the second secon	Mary 10.0

That the words "a young man and and and and and point to the plaintiff more than to any other. But whether this uncertainty might have been remedied by an average and the propose of the person, without a special sufficiently demonstrates the person, without a special inducement to support the innuendoes. Croke's Elization special consent; but it insists upon its closing all unions, and upon employing energetic measures against any popular manifestations got up in that country for the purpose of the Republic is exercising himself felodative. The editor of the Republic is exercising himself washington street, indianapolis, by THOMAS BUIST, manifestations got up in that country for the purpose of forcing a new election.

It is said that the French Minister of Foreign Affairs had intimated to the Swiss Minister in Paris, that, great to support the set of words, in which the plaintiff's name to support the set of words in which the plaintiff's name is mentioned. I Starkie on Slander 383, 384.

Brewer ss. Thorp. Error to the Randolph' Circuit to the adoption of joint coercive measures, for the purpose of the Republic is exercising himself washingten street, indianapolis, by THOMAS BUIST, was intend to durgly every day with what he imagines great dissenting the feld and upon employing energetic measures against any popular manifestations got up in that country for the purpose of the Republic is exercising himself washington street, indianapolis, by THOMAS BUIST, and upon employing energetic measures against any popular manifestations got up in that country for the purpose of the Republic is exercising himself washington street, indianapolis, by THOMAS BUIST, and upon employing energetic measures against any popular manifestations got up in that country for the purpose of the naunifactures durgly every day with what he imagines great dissenting the felodative and upon employing energetic measures against any popular manifestations of upon that country for the purpose of the Republic is exercising himself.

The editor o

5 casks Salmon; 30 boxes 8×10 and 10×12 Giasa; 50 do. Glassware; 150 keps Nuils, assorted;
50 gross Matches;
5 bbls. Almonds;
4 do. Filberts;
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25 do. Cap and Letter Paper;
50 doz. Ink: 50 doz. Ink;
5 boxes clay Pipes;
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ATTORNEY AT LAW

U. MANLY.

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E. S. COOPER, M. D., Peoris, Illinois. REFERENCES:

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ention to become a citizen, cutitles a foreigner to obtain a Patent on the same terms us a citizen. Models and fees will be forwarded without charge to shed Patent Agency in the West, having been engaged in the business over seven years past.

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